

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DARRIN DUHAMEL,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

Case No. 2:17-CV-002858-GMN-EJY

**AMENDED RECOMMENDATION
CLARIFYING ECF NO. 68**

On September 16, 2019, the Court issued a detailed Report and Recommendation remanding this matter for further proceedings pursuant to the Social Security Administration's Compassionate Allowance program. In that Report and Recommendation, the Court did not specify whether the remand recommended was pursuant to sentence four or sentence six of 42 U.S.C. § 405(g). The Report and Recommendation also provided a static date upon which Defendant was required to issue a new decision. The Court now issues this Amended Recommendation addressing Defendant's requests appearing in ECF No. 71, and clarifying the recommendations appearing in ECF No. 68.

RECOMMENDATION

IT IS HEREBY RECOMMENDED that Plaintiff's Amended Motion for Summary Judgment (ECF No. 52) be DENIED and that Defendant's Cross-Motion to Remand for Further Proceedings (ECF No 57) be GRANTED in part and DENIED in part.

IT IS FURTHER RECOMMENDED that this matter be remanded to the Commissioner of Social Security under the Compassionate Allowance program as this case has been pending for more than six years, and time is of the essence.

IT IS FURTHER RECOMMENDED that remand be pursuant to sentence four of 42 U.S.C. § 405(g).

1 and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
2 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
3 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

4 DATED: October 9, 2019

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE